TOWN OF SUPERIOR TOWN COUNCIL MINUTES THURSDAY, MARCH 12, 2015

REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY MARCH 12, 2015 AT 7:00 PM IN THE SUPERIOR AUDITORIUM 199 N. LOBB AVENUE, SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.

CALL TO ORDER

Mayor Valenzuela called meeting to order at 7:03 pm

ROLL CALL

Mayor Jayme Valenzuela
Vice-Mayor Olga Lopez
Councilmember Gilbert Aguilar
Councilmember Michael Alonzo
Councilmember Mila Besich-Lira
Councilmember Stephen Estatico
Councilmember John Tameron

INVOCATION

Church of Jesus Christ Latter-Day Saints Elders Anderson and Bellio

STAFF ATTENDANCE

Town Manager Margaret Gaston Town Attorney Stephen Cooper Police Chief Mark Nipp **Operations Chief** Todd Pryor Public Works Anthony Huerta PW-Laborer Andrew Martinez PW-Laborer Juan Mendez Senior Center Paula Romero Sanitation **Bob Hanus** Finance David Romero Town Staff Nora Miramon

PUBLIC ATTENDANCE

Sandra Doyle
Sonnie Sansom
Dolly Chavez
Steve Chasse
Jesse Gutierrez
Nancy Vogler
Hope Martinez
Melissa Rabago
Dora Solis
Henry Munoz
Joann Besich
Paul Hernandez

SPECIAL PRESENTATION

Presentation by Stephen Chasse, Key Accounts Manager, APS Discussion on Updated Energy Cost Forecast for 2015. A slide show presentation on APS Rate Overview, Budget Year Bill Impacts. Presentation took about 15 minutes. Brief discussion after presentation.

REPORTS

Fire- Todd Pryor, Question by Councilmember Alonzo, Mr. Pryor was asked about the smoke detectors that were given out? How many were given out and how many do we have left. Fire Department distributed about 30-40 and still have about 70 left. He is going to get some flyers and put those up. If anyone knows of anyone who could use a smoke detector in their home send them to the Fire Department.

Question Councilmember Estatico, how is the dispatching working? Todd Pryor, It is going really great, especially the 911 system. Comment, Vice-Mayor Lopez, wanted to thank Todd for his report he did a very good job.

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Mayor, spoke about a gurney. A cheap gurney will run you about \$1000.00 and the electric gurney, which is being used now, will cost about \$1,500.00 each.

Library- Josie unable to be present, Margaret Gaston; Friends of the Library is having a book sale on Saturday, March 14, 2014, 9:00 am to 3:00 pm at the Library.

Police-Chief Nipp, he wanted to highlight the last year, in the last year the department has increased by 200%. All police officers now have body amour, they did not have in the past. There is always a Supervisor on duty, Sergeant Neuss or himself. Change over for dispatch has taken place; there are some areas that need to be tweaked. He also wanted to state that he sees hope in all of the officers eyes. They see the equal treatment and they see all that is going on and what is happening within the town. Phone system is working and it is a savings of \$300.00. Chief Nipp would like to get a grant to clean up the flood areas to prevent the suspects from running and hiding in those areas. Chief Nipp explained how a call is dispatched since he has heard a couple of complaints on how long a response takes.

Councilmember Aguilar, comment; he wanted to thank Officer Heivilin for going to the school and reading to the students. This helps build a good relationship between the kids and the officers.

Councilmember Besich-Lira, congratulations to the Police Department on a great job on all the achievements.

Councilmember Alonzo, Also wanted to say great job, the structure of the report is very well done. Possibly the other department can follow the same format. It is really informative. Morale is a big issue he hopes that this has been looked at and addressed in all departments.

Councilmember Estatico, Code enforcement needs to be taken care of. Chief you took this on and he hopes to see more progress in that area. It just needs to happen.

Senior Center-Paula Romero, Councilmember Estatico thanked her for coming and taking over the Senior Center keep up the good work.

Mayor stated he appreciates all of the hard work she is doing and all of the changes and just keep trying to bring those numbers up. Keep up the good work. Paula stated that there is a lady from Arizona State that comes in and teaches all of the seniors about nutrition and then she leads the seniors in 15 minutes of exercise.

Vice Mayor Lopez comments, she is doing a good job keeping the seniors busy and also thank you for taking them on their shopping trips.

Councilmember Tameron, asked Paula what is the number of people that are going to the Senior Center. Paula stated she has about 21 that sign up, and we have a couple that are in the hospital. Also there is a couple that the wife is in the hospital and he put a hold on the meals until she gets home. Paula stated she really enjoys the interaction with all of the seniors. It is a lot less stressful and she has the liberty to walk around and speak to the seniors.

Public Works-Anthony Huerta, Councilmember Aguilar asked how the testing for the noxious weeds was coming along. He is scheduled to go up to Globe for testing at the end of the month. Safety training was brought up and Mr. Huerta stated he does do some safety training on a weekly basis and right now he has two new employees, Andrew Martinez and Juan Mendez, who are going thru safety training. A gentleman from Risk Management has offered to come up and give safety classes also. D.O.C. has some questions regarding safety issues and the inmates. They are happy with the way Anthony is running the inmates but did have safety questions. Mr. Tameron did donate some safety vest. These should always be worn.

Councilmember Alonzo, asked about the cemetery issues and if we have implemented an updated process regarding the paperwork to conduct a burial. Anthony stated yes we have added some new procedures and they are in place.

Sanitation-Bob Hanus, They had a blockage in the collection lines and they are flushing the lines. We had an effluent line that broke but has been fixed. On the subject of training they are working on getting their grade 1 or 2 certification.

Councilman Aguilar asked Mr. Hanus what is the time frame for these two employees to get their certification.

There was a brief discussion regarding the time frame the two employees are being given. After brief discussion, Town Manager and Bob Hanus were given a directive from Council. They need to be told they must take the test and if they do not pass it each one will be replaced if they cannot get their certifications.

Margaret Gaston, reminded Council that there is only one light out there. The priority will be lighting we must get more lighting out there. We cannot go another summer with only one light. This was due to a conversation about purchasing a piece of equipment to flush the sanitation lines from Council.

Magistrate- no comments or question from Council.

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Manager-Margaret Gaston, The Gilbert stake of the LDS was here last weekend on March 7th. This was the group that had 400 kids come into town. They painted the outside of the Food Bank and the first room when you walk in. They also painted the back boards on the basketball courts at Town Hall. They also cleaned Besich Park and parts of the Museum. They also went to the cemetery and cleaned some of the graves and some of the common areas. The Town purchased the paint for the Food Bank and the backboards.

Margaret is planning to submit an application to ADOT for a PARA grant (Planning Assistance for Rural Arizona). We have less than 30 days to get this PARA application completed. This is a totally funded grant with no match funding required. If the grant is awarded to Superior, the Council will accept the grant at a future meeting. The grant is \$20,000 for pre-scoping.

The Hinton Burdick Auditing firm was awarded the contract by Council. They will be here next week to work on the audit. Margaret will try to get a time frame of when the audit will be presented to the Council for approval.

Margaret had a conversation with Dave Edwards at ADOT on Wednesday. Dave Edwards, ADOT, sent a letter stating that Superior does not have to comply with the 60 day requirement and that we will not be violating the contract. ADOT does not want the Town to put the sign back until the project is almost completed. He also stated that if this ends up costing the Town more money for the contractors, because most quotes are not good for a year and half, ADOT will pay any additional costs.

The Town has been working with the Chamber this week to try to make sure everything is ready to go. There's always an issue or two, but you can feel the excitement in the air for Superior's big event, Apache Leap Mining Festival.

Councilmember Estatico, wanted to know the process for getting the key to the Magma Club or any Town facility that has been rented. Margaret explained the process to everyone. Margaret also let them know that anyone that has already rented the Magma Club or any Town facility was sent instructions on how to get the key for that facility to all of the current applicants.

Mayor, he would like it if those individuals were also called to make sure they received the letter with those instructions. Margaret assured the Mayor it will be taken care of.

Mayor-Jayme Valenzuela, He wanted to make mention the death of Mary Guzman. Ms. Mary Guzman was a very important part of our community. She was a volunteer dispatcher for the Fire Department for 30 years. She founded the project Happy Face, feeding the hungry and needy which is now known as the Food Bank. She will be dearly missed.

Mayor wanted to echo the remarks Margaret said about the youth from the church of Latter Day Saints. They have been doing a fantastic job and we really appreciate their help. Another thing please talk to your neighbors about stuff that is being put outside on the curb side for pick up. Let them know about bulk pickup and get this stuff off the streets.

Mayor would like for the Chief of Police, Mr. Nipp, to meet with the local Hospice group before our next meeting. See what the protocol on a hospice death is. There was as issue on the last one so we need to make sure that we follow protocol. The contact persons would be Ms. Valenzuela and Ms. Magallanez so work with them to get this done.

Another thing is we need to look at the fees that we charged Resolution Copper for a Sewer connection fee. Maybe if Mr. Hanus would look into this see what other cities/towns charge for such a hook up. Mayor believes that we should re-address this since it seems they were charged a minimal amount of money. Margaret stated it is a great idea for Mr. Hanus to look into the sewer rates.

Basketball lighting for the basketball court at Town Hall will be added to our street light billing. They will be dusk to dawn lighting. APS will take care of the maintenance of the lights.

Lastly, he was reading this article in the Superior Sun where Rio Tinto Executives, Sam Walsh and Jean-Sebastian Jacques, met with leaders from throughout the Copper Corridor. This event was hosted by Resolution Copper east plant operations. Leaders in attendance included representatives from the Gila County Board of Supervisors, Pinal County Board of Supervisors, Town of Kearny, Town of Miami, City of Globe, White Mountain Apache Tribal Council Members, former San Carlos Apache Tribal Council Members, Superior Chamber of Commerce and Representatives from the Bullion Plaza Cultural Center in Miami. Just want to give you some history so no one thinks we just didn't show up. Resolution invited only certain members of this Council, they decided not to attend. If the invitation was not extended to all of the board they would not show up. There is no reason for them not to invite all of us because most of us would have been able to attend. We are trying to become that partner and when you pick and choose who you want to invite to this kind of event, this is what brings the issues that come about.

Mayor stated he received a test message from Mr. Taplin letting him know what was going to take place but nowhere in this text was there an invitation to attend. Our Town Attorney reached out to Resolution Copper and asked if we could have a meeting with the executives. He was told, by Mr. Taplin, this would not be possible. We want to be that partner with Resolution Copper but we cannot be that partner if we are not included in these important meetings.

CONSENT AGENDA

- A. Minutes of Regular Meeting on February 12, 2015
- B. FCCLA Blanket Permit Terry Villaverde for a Cancer Walk "Cancer Fight by Candlelight"
- C. Alcohol Beverage Permit Lillian Flannagan, Magma Club, for High School Graduation Party, May 22, 2015, beer/wine and mixed drinks. 2:00 pm 12: am
- D. Alcohol Beverage Permit, Olga Lopez, Family Reunion Celebration, October 17, 2015 10:00 am 11:00 pm, beer only.
- E. Informational Corn Hole Tournament Benefit/Fundraiser for John Cox, (diagnosed with cancer); Caboose Park on March 7, 2015 10:30 am –10:00 pm.

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Discussed with Mayor and allowed.

F. Alcohol Beverage Permit for April 25, 2015, Fernando M. Cordova, 60th Year High School Class Reunion, Magma Club, beer and wine, 2:00 pm –12:00 pm.

Vice-Mayor Lopez had a question for Margaret, why do these permits have to come to the Council for approval? Especially since now we only have one meeting a month. Margaret stated this was to make Council aware of what was going on but she had no problem approving the permits. Margaret was directed to go ahead and sign any special event/alcohol permits in the future.

Motion to approve the consent agenda was made by Councilmember Besich-Lira, second by Councilmember Alonzo, motion carries.

NEW BUSINESS

A. Resolution No. 15-553 A Resolution of the Town Council of the Town of Superior, Arizona, Approving the Intergovernmental Agreement ADOT CAR No.: IGA/JPA15-0005060-I Between the Town of Superior and the Arizona Department of Transportation. Town Manager, Margaret Gaston read Resolution No. 15-553 and requested this be put into the minutes for the record.

Arizona Department of Transportation sent the Town of Superior the attached IGA regarding the terms and conditions pursuant to which the State will abandon and the Town will assume ownership for three intersections: 1) Silver King and Airport Roads; 2) Main Street and US 60 and 3) Kiser Street and Church Avenue. Also, this IGA states the Town will waive the requirements of Arizona Revised Statutes and will own and maintain the sections of the right of way listed above. The state will design and construct the street lighting, sidewalks and landscaping, but the Town will accept ownership and maintenance responsibilities to include the street and rest area lighting, sidewalks, landscape maintenance, and payment for power. The IGA also allows a blanket encroachment permit per established procedures of the State's Globe District Office, who will be working with the Town very closely.

Resolution No. 15-553 approves the IGA between the Town of Superior and Arizona Department of Transportation. Steve Cooper has approved this agreement, and the resolution authorizes the Mayor to execute the agreement on behalf of the town of Superior. Margaret recommends the Council approve Resolution No 15-553.

Motion to approve A Resolution of the Town Council of the Town of Superior, Arizona, Approving the Intergovernmental Agreement ADOT CAR No.: IGA/JPA15-0005060-I Between The Town of Superior and the Arizona Department of Transportation made by Councilmember Besich- Lira, second by Vice-Mayor Lopez, motion carries.

B. Discussion and Possible Approval of an Addendum to Safety Miners LLC Original Lease Agreement with the Town of Superior, Margaret Gaston;

On September 4th, 2014, the Town approved a lease agreement with Safety Miners, LLC for the lower half of the Town Hall. Safety Miners LLC is now asking if they can rent some of the classrooms on the same level as Town Hall. It would be a total of four more classrooms. In return for the four classrooms, all upgrades will be completed in the four classrooms; which includes replacing broken windows, light fixtures, painting, fixing the ceilings and cleaning the rooms. In lieu of rent Tee Pee construction would create an office for the Town Manager in classroom five right next to where Margaret is now. Once all the improvements are completed, we will look at the total amount of money spent on all the renovations, and decide if the rent needs to be raised at that point. Safety Miners LLC is also talking about in the future they might want to rent the auditorium to be used for classes. The addendum states that all work is to be performed by a licensed contractor. Steve Cooper, Town Attorney has approved the addendum. Margaret, Town Manager recommended the Council approve this addendum to the original lease agreement with Safety Miners LLC.

Motion to approve Addendum to Safety Miners LLC Original Lease Agreement with the Town of Superior made by Councilmember Estatico, second by Councilmember Aguilar, motion carries.

C. Discussion and Possible Approval Auction of the Town's Dump Truck, Margaret Gaston;

The Town of Superior owns the camouflage dump truck that we don't use. Enough time has expired that we fully own the dump truck, we have a clear title, and now we are able to action it off. Margaret feels the truck is worth at least \$6000.00, or \$6500.00. According to Town Code, the Administrator can sell property with approval of the Town Council at a public auction. If Council approves, a notice will be placed in the Superior Sun for two consecutive weeks, notices will be put up at the Post Office, Senior Center and the Town Hall. If the minimum bid is not met, we will not sell the truck. After brief discussion a motion was made.

Motion to approve the auction of the Town's Dump Truck for \$6000.00 made by Councilmember Estatico, second by Councilmember Aguilar, motion carries.

D. Discussion and Possible Approval of Sierra Auction/Consignment Service Agreement for auction of Property and Evidence Disposal, Margaret Gaston;

Sierra Auction/Consignment Services is the company Chief Nipp found to auction off the evidence that has been stored at the Superior Police Department longer than is required by any statute. Sierra Auction will take their fees from the proceeds and pay to the Town the rest of the proceeds with a detailed accounting. Steve Cooper has approved the agreement. Once all the statutory requirements are met, the Police Department will start disposing of the evidence and property. We will track this money to make sure it is accounted for through the Town's financial software. Margaret recommended the Council approve the Sierra Auction/ Consignment Services agreement.

Motion to approve of Sierra Auction/Consignment Service Agreement for auction of Property and Evidence Disposal made by Councilmember Besich-Lira, second by Councilmember Alonzo, motion carries.

E. Discussion and Possible Approval of a Service Agreement with Fire Recovery USA, LLC for Recovery of fees for Fire Trucks Responding to a Call Outside the Town Limits, Margaret Gaston;

This company contacted Todd Pryor because an agreement was signed between the Fire Department and this company back in 2008, and they wanted an extension of time. Fire Recovery USA does the billing for accidents outside the town limits when the fire department responds to a call. Fire Recovery USA will send to the Town of Superior 75% of the total monies collected. If it's an accident, it can take a year or more to recover any monies. They received a total of 4 payments this year in the amount of \$3,388.35, and submitted a total of two claims for 2014. This agreement is for one year, and automatically renews every year unless terminated. Either party can terminate the agreement with 30 days written notice. Steve Cooper has reviewed this agreement. Margaret does recommend Council approve the Services agreement with Fire Recovery USA, LLC.

Motion to approve Service Agreement with Fire Recovery USA, LLC for Recovery of fees for Fire Trucks Responding to a Call outside the Town Limits made by Vice-Mayor Lopez, second by Councilmember Besich-Lira, motion carries.

F. Discussion and Possible Approval of Lease with Xerox Corporation for Five Years for a New Copier at the Police Department, Margaret Gaston;

The Police Department's lease has expired for the Xerox copier. Police Department pays \$139.00/month, plus normal cost for extra prints in black and white and color. The new machine would be \$178.19 plus black prints would be \$0.0090 and color would be \$0.0656 per copy. The lease includes all maintenance costs, and also includes all toner, cartridges and parts for the entire five years. No matter where the repairman comes from we have never been charged for repairs. Margaret recommends the Council approve the new lease agreement with Xerox for a copier at the Police Department in the amount of \$178.19 per month which for five years is actually \$10,691.40.

Motion to approve Lease with Xerox Corporation for Five Years for a New Copier at the Police Department made by Councilmember Besich-Lira, second by Vice-Mayor Lopez, motion carries.

G. Discussion and Possible Approval of Appointment of Police Chief as Safety Director/Police Chief, Margaret Gaston; In light of what happened during the discussions with the Town of Florence dispatching for the Superior Fire/Ambulance service, Margaret feels there has to be more direction for the Fire/Ambulance Service. Sometimes there is communication lacking and guidance on the grants and items that need to be submitted to Town Hall and Council. It would help to have the Fire Department report to the Police Chief as Public Safety Director and keep him totally informed of what is going on. The Town cannot afford a position of Fire Chief. Margaret has discussed this with the Police Chief about taking on additional duties.

After a brief discussion period Council decided to take no action on this item.

H. Discussion on Possible Storage Tanks for the Sale of Effluent, and Costs Associated with the Moving of the Storage Tanks.

The cost estimate Margaret received yesterday is approximately \$12000 to move the tanks from the Maricopa Water District and renting a trailer to transport the tanks, they would prepare the site out by the wastewater treatment. They would put the tanks up and they said we would not need a pump because we have enough pressure at the wastewater treatment plant to fill the storage tanks. Margaret stated she didn't have the breakdown of the cost and this is not an item that needs to be voted on this is just a discussion item. Margaret got some prices on each gallon of effluent and it is from 0.04 cents a gallon to 0.08 cents each gallon of effluent.

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She checked with the City of Bisbee and they charge 0.25 cents per thousand gallons. The storage tanks are still available and they would be more than happy to give them to us. They have a Resolution that they can approve on the 19th of March if the Council still feels this is something they want to move forward with.

On April 9th which is our next council meeting, Council will accept the transfer of the storage tanks and we would have an actual quote from Tee Pee Contractors with all of the information of what it would cost to have the tanks moved and set up. After brief discussion a motion was made.

Motion to approve moving forward with obtaining possible storage tanks for the sale of Effluent, and Costs Associated with the Moving of the Storage Tanks by Councilmember Tameron, second by Vice-Mayor Lopez, motion carries.

CALL TO THE PUBLIC

Hope Martinez-She has pictures, she had a problem last July and she thought she had all of the paperwork she she needed to file a claim. She turned the paperwork in August 18, at 11:50 in the morning. A couple days later when went to the post office I received a letter of denial. I don't believe they had enough time to look at my papers but she hopes Council can help me. This is the second time this has happened as you can see from the pictures it was a big mess.

Henry Munoz- Update on the restoration project. First of all he wanted to thank the Fire Department and Todd Pryor. They have received us with open arms and allowed us to meet at the Fire Station they are good people. He wanted to make a correction on an article that ran out there. We have not been able to turn the engine on the fire truck. We did turn it over manually. Assessment; The body and frame are in good shape, wiring needs to be replaced and the oil seems to have a little bit of water so that will have to be worked on. On Apache Leap Days we will have a booth to accept donations. Each member of our committee will donate a case of water and we will be giving out water at the festival. We will have old pictures so if anyone has any old photos of the fire department, please bring those so we can display them. David Rabago will be bringing the Mesa Fire Truck that looks just like the Fire Truck we are restoring, will look like. This truck will be parked along with the old truck on Main Street during the festival.

At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.

SUMMARY OF CURRENT EVENTS

A. Councilmember Besich-Lira- wanted to make sure everyone attends the Apache Leap Mining Festival this weekend and has a great time.

Councilmember Alonzo- Let everyone know that T-Ball is about to begin. Please come out and support the kids. Also he wanted to thank all of the LDS kids that volunteered to paint some of the buildings at the Little League field. They really did a great job and we really appreciate the hard work they did.

Councilmember Estatico- They hosted a horseshoe tournament benefit for Mr. Cox who has cancer. He was employee of the Superior Public School for many years. We raised \$1,300.00 for him last Saturday at US 60 Park so thanks to everyone who came out and participated.

Councilmember Tameron- He let Mr. Munoz know that he will be donating ice for all of the bottled water they need.

SCHEDULING OF MEETINGS AND EVENTS

Apache Leap Mining Festival March 13-15, 2015 Planning and Zoning Meeting March 19, 2015, 6:00 p.m. Council Meeting, April 9, 2015, 7 p.m.

EXECUTIVE SESSION

Motion to move Council into Executive session along with Steve Cooper-Town Attorney; Margaret Gaston-Town Manager for one hour made by Councilmember Estatico, second by Vice-Mayor Lopez, motion carries. Meeting adjourned to Executive Session at 10:05 pm

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A. Confidentiality Statement

At the April 10th, 2014 Council Meeting the following member of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper, Mayor Valenzuela, Vice-Mayor Lopez, Council Member Tameron and Council Member Aguilar. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.R.S. 38-508 if conflicts of interest prevent a Town from acting as required by law in its official capacity, such action shall not be prevented if the Council Members who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice-Mayor and two Council Members have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper these Council Members are authorized to participate in matters involving Resolution Copper Pursuant to A.R.S 38-508

B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation.

Pursuant to A.R.S. Section 38-431.03(A)(3) & (4):

Resolution Copper status of negotiations concerning possible Mutual Benefits Agreement.

- C. Dicussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding potential annexation of real property. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4)
- D. Consideration of Employment status of Town Manager including possible actions of one (1) or more of the following: (1) Evaluation, (2) possible recruitment, (3)modification of employment contract and/or working duties including but limited to hours of work, (4) or no action taken on matter. Pursuant to A.R.S. Section 38-431.03(A)(1),(3) & (4)

Motion to move back into regular session from Executive Session at 11:05 made by Councilmember Aguilar, second by Councilmember Tameron, motion carries.

ADJOURNMENT

Motion to adjourn regular council meeting made by Councilmember Estatico, second by Vice-Mayor Lopez, motion carries.

Meeting adjourned at 11:10 pm.

Mayor Jayme Valenzuela

Attest:

Town Manager, Margaret Gaston

Approved as to Form:

Attorney, Stephen Cooper